

Westphal.6007  
09/748,066**REMARKS**

Claim 1 has been amended to recite consistent element terminology. Claims 16-18 have been added. Claims 1-18 remain for further consideration. No new matter has been added.

The rejections shall be taken up in the order presented in the Official Action.

1. Entry of the response filed December 27, 2002 is noted and appreciated.

2-3. Claims 1-5 and 7-8 currently stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent 5,893,767 to Broschard (hereinafter "Broschard").

Claim 1 recites a socket connector that includes a U-shaped first contact part and a second contact part that are mounted within a housing. The Official Action alleges that the spring arm 40 of Broschard is U-shaped.

Amended claim 1 further recites that the U-shaped first contact part includes first and second walls that are nominally parallel and separated by the center axis. The Official Action alleges that elements 42, 36 disclosed in Broschard are nominally parallel walls of a U-shaped first contact part. (Official Action, pg. 2-3). However, the spring arm 40 illustrated in FIGs. 4-7 of Broschard does not include first and second walls that are *nominally* parallel. Specifically, in the nominal position as shown in FIG. 4 of Broschard, the engagable portion 42 appears to be disposed at an angle of about 30 degrees relative to the body 36 in the nominal position. This is of course not parallel.

In addition, claim 1 recites that the first and second walls are separated by the center axis. The first and second walls 42, 36 disclosed in Broschard are not separated by the center axis. That is, as shown clearly in FIGs. 5-7 of Broschard, the engagable portion 42 and the body 36

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are both located on the same side of the plug 90. Accordingly, elements 42, 36 of Broschard are not separated by a center axis.

A 35 U.S.C. §102(b) rejection requires that a single reference teach each and every element of the claimed invention. For at least any of the reasons set forth above, Broschard is incapable of anticipating claim 1.

#### Claim 2

Claim 2 recites "...wherein said first wall flexes radially away from said second wall when the plug connector is inserted into said socket receiving aperture." (emphasis added, cl. 2). The Official Action alleges that Broschard discloses that the first wall 42 moves radially away from the second wall 54 when the plug 90 is inserted. As set forth above, for the purposes of rejecting claim 1 the Official Action contends that elements 42 and 36 of Broschard are the first and second walls, and element 54 is the second contact. However, with respect to claim 2 the Official Action interprets Broschard differently and now contends that elements 42 and 54 of Broschard are the sidewalls. This interpretation of Broschard is contradictory with the interpretation set forth in claim 1, and at least one of the interpretations is of course improper.

Assuming that the interpretation of Broschard set forth in the Official Action with respect to claim 1 is the one to proceed with, then Broschard clearly fails to disclose a first wall of a U-shaped first contact part that flexes away from the second walls of the U-shaped contact part when the plug connector is inserted. In fact, the engagable portion 42 of Broschard *flexes towards* the body 36 when the plug is inserted - see FIGs. 4-7 of Broschard. Accordingly, Broschard is incapable of anticipating claim 2.

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New claim 16-18 are patentable for at least the reasons set forth above.

4. The indication that claims 10-15 are allowable is noted and appreciated.
5. The indication that claims 6 and 9 contain allowable subject matter, and would be allowed if rewritten into independent claim format is noted and appreciated. However, since claim 1 is patentable for at least the reasons set forth above, it is respectfully submitted that rewriting claims 6 and 9 into independent form is not required to secure their allowance.

For all the foregoing reasons, reconsideration and allowance of claims 1-18 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



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